

New York, NY

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

GRACE INDUSTRIES, LLC

Employer

Cases 29-RC-012031¹
29-RC-012043

and

HIGHWAY ROAD AND STREET
CONSTRUCTION LABORERS LOCAL 1010,
LABORERS INTERNATIONAL UNION OF
NORTH AMERICA, AFL-CIO

Petitioner-Intervenor

and

UNITED PLANT AND PRODUCTION
WORKERS, LOCAL 175, INTERNATIONAL
UNION OF JOURNEYMEN AND ALLIED
TRADES

Petitioner-Intervenor

DECISION AND ORDER

The National Labor Relations Board has considered a challenged ballot in an election held July 23, 2012, and the Regional Director's Third Supplemental Report on Challenges recommending disposition of it.² The election was conducted pursuant to the Regional Director's Order and Notice of Election, pursuant to a Decision on Review and Order issued by the Board on June 18, 2012.³ The tally of ballots shows 0 votes cast for Petitioner Highway Road and Street Construction Laborers Local 1010, Laborers

¹ Local 1010 filed the petition in Case 29-RC-012031 and Local 175 filed the petition in Case 29-CA-012043. The hearing officer granted cross motions for each Union to Intervene in the other Union's case.

² The challenge is to the ballot of Robert Moresco.

³ 358 NLRB No. 62.

International Union of North America, AFL-CIO, 0 votes cast for Petitioner United Plant and Production Workers, Local 175, International Union of Journeymen and Allied Trades, 0 votes cast against the Unions, with 3 challenged ballots, a sufficient number to affect the results.

No exceptions have been filed to the Regional Director's Third Supplemental Report on Challenges within the time provided. Accordingly, the Board adopts the Regional Director's findings and recommendation.⁴

ORDER

IT IS ORDERED that this proceeding is remanded to the Regional Director for Region 29 for further appropriate action consistent with his Third Supplemental Report on Challenges.

Dated, Washington, D.C., October 18, 2012.

By direction of the Board:

/s/Henry S. Breiteneicher

Associate Executive Secretary

⁴ The Regional Director recommended sustaining the challenge to the ballot of Robert Moresco.